

1 BARRY J. PORTMAN
Federal Public Defender
2 JOYCE LEAVITT
Assistant Federal Public Defender
3 555 12th Street, Suite 650
Oakland, CA 94607-3627
4 (510) 637-3500

5 Counsel for Defendant MOSES

6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,
12
Plaintiff,

13 v.
14

15 EUGENE MOSES,
16
Defendant.
17

)
) No. CR 08-00509 SBA
)

) **STIPULATION AND ORDER**
) **CONTINUING STATUS OR**
) **CHANGE OF PLEA DATE AND**
) **EXCLUSION OF TIME**
)

18
19 IT IS HEREBY STIPULATED, by and between the parties to this action, that the status or
20 change of plea date in this case, currently scheduled for Tuesday, May 19, 2009, at 10:00 a.m., may
21 be continued to Tuesday, June 2, 2009, at 10:00 a.m. for change of plea. The reason for the request
22 is that defense counsel is unavailable on May 19, 2009. In addition, counsel needs time to complete
23 its investigation and review all information, including the plea agreement, with Mr. Moses. A
24 continuance would allow counsel to complete its investigation, review all materials with Mr. Moses,
25 and be present for the change of plea.
26

1 The parties stipulate that the time from May 19, 2009, to June 2, 2009, should be excluded in
2 accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) for
3 adequate preparation of counsel to allow counsel to complete its investigation and review the
4 information, including the plea agreement with Mr. Moses prior to the change of plea.
5

6
7 DATED: May 14, 2009

_____/s/_____
JOYCE LEAVITT
Assistant Federal Public Defender

8
9
10 DATED: May 14, 2009

_____/s/_____
CHRISTINE WONG
Assistant United States Attorney

11
12
13 I hereby attest that I have on file all holographed signatures for any signatures indicated by a
14 conformed signature “/s/” within this e-filed document.
15
16
17
18
19
20
21
22
23
24
25
26

ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status or change of plea date in this case, currently scheduled for Tuesday, May 19, 2009, at 9:00 a.m., is hereby continued to Tuesday, June 2, 2009, at 11:00 a.m. for change of plea.

IT IS FURTHER ORDERED that the time from May 19, 2009, to June 2, 2009, is hereby excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel to allow counsel to complete its investigation and review the materials, including the plea agreement. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial and the failure to grant the requested continuance would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED: 5/18/09


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge